DEPARTMENT OF STATE A/CDC/MR

OUTGOING TELEGRAM Department of State

INDICATE: ☐ COLLECT ☐ CHARGE TO

REVIEWED BY _____ DATE _____

RDS☐ or XDS☐ EXT. DATE _____ CONFIDENTIAL

TS AUTH _____ REASON(S) Classification

ENDORSE EXISTING MARKINGS ☐

DECLASSIFIED/RELEASABLE

RELEASE DENIED☐

PA or FOI EXEMPTIONS _____

STATE:

FOR OCT USE ONLY

12 AUG 68 22 50Z

Origin

Info

ACTION AMEMBASSY TEL AVIV

SUBJECT: Liberty claims

REF: Tel Aviv 4798, 4799

A. Department requests Ambassador see senior official Fonoff and orally make following points:

(1) USG finds GOI note of August 5 totally unacceptable. We have not made either fact of receipt or contents known to public or to Congress.

(2) If necessary, we will respond formally to GOI note in a few days.

(3) USG surprised at position taken by GOI in August 5 note and cannot believe it is final position of GOI. In its notes of June 1967 GOI expressed without qualification its readiness to make amends for damage, including material damage, suffered in attack.

Drafted by: L:LCMeeker:SLGibson:ams 8/8/68 | Tel. Ext. 4714 | Telegraphic transmission and classification approved by: NEA - Lucius D. Battle

Clearances:

NEA/IAI - Mr. Atherton | L:L/C - Mr. Kerley | S/S - RLBrown

* The Secretary of Defense (subs) | NEA - Mr. Rockwell | IO - Mr. Katzenbach (subs)

* Cleared in substance in conversation with Mr. Katzenbach. LDB.

CONFIDENTIAL
Classification

FORM DS-322 8-65

* Cleared in substance in conversation

1:59 pm Charge case released in full 2/10/77 (based on Walsh)

E.O. 11652 XGDS

(4) GOI note implies that death payments were ex gratia. This is new argument and inconsistent with GOI note of June 12 in which GOI recognized its responsibility for error in attacking LIBERTY and expressed its readiness to make amends.

(5) USG cannot accept implication of August 5 note that GOI not legally liable for death and material damage resulting from attack. USG believes GOI liable under accepted principles of international law for damage to property as well as for personal injury and death caused by attack.

(6) USG fails to see that any circumstances concerning attack on LIBERTY disclosed by inquiries or in any other way remove responsibility of GOI for attack or its obligation to make amends for resulting death and material damage.

(7) USG view regarding liability of GOI remains unchanged and we continue to expect that GOI will compensate USG for amount claimed. We would be glad to receive August 5 note and proceed as if note had never been delivered. We stand ready to make full presentation of details of this claim whenever GOI ready to receive it.

B. Department agrees desirability prompt presentation personal injury claims and has been expediting preparation these claims. However, delay arises from inconclusiveness of medical information in some serious cases because therapy still in process.

RUSK

GP-3

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